

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS

FILED BY Cas D.C.

2005 AUG 18 PM 3:39

MARY BOYKIN, and)
GEORGE BOYKIN, Husband,)
Plaintiffs,)
v.)
WAL-MART A.K.A. WAL-MART)
SUPERCENTER, WAL-MART)
STORES, WAL-MART REAL)
ESTATE BUSINESS TRUST, and)
JANE and/or JOHN DOE(S),)
Defendants.)

THOMAS W GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

CIVIL ACTION NO. 05-2412 DV

THOMAS W GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

05 AUG 19 PM 2:49

FILED BY Cas D.C.

**CONSENT MOTION AND MEMORANDUM FOR PLAINTIFFS TO AMEND
COMPLAINT TO CORRECT MISNOMER OF DEFENDANT AND DISMISS
WITHOUT PREJUDICE REMAINING WAL-MART DEFENDANTS**

The parties, through counsel of record, and pursuant to the Federal Rules of Civil Procedure, move this Honorable Court for an Order allowing Plaintiffs to amend their Complaint to reflect the correct entity as Wal-Mart Stores East, L.P. The Plaintiffs originally named Wal-Mart a/k/a Wal-Mart Supercenter, Wal-Mart Stores, Wal-Mart Real Estate Business Trust and Jane and/or John Doe(s). Counsel for all parties state that all parties consent to such amendment to properly name the Defendant as Wal-Mart Stores East, L.P. and dismiss without prejudice all other remaining Wal-Mart Defendants named in Plaintiffs' Complaint.

MOTION GRANTED

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP

DATE: 8/18/2005

BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE



WHEREFORE, PREMISES CONSIDERED, all parties respectfully request this Court for permission for Plaintiff to amend their Complaint to reflect the proper Defendant as Wal-Mart Stores East, L.P. and dismiss without prejudice all remaining named Wal-Mart Defendants.

Respectfully submitted,

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Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 2:05-CV-02412 was distributed by fax, mail, or direct printing on August 24, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT